

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

GLORIA GEBHART,
Plaintiff

v.

DAVID STEFFEN and
TIMOTHY J. BARKER,
Defendants

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: CIVIL NO. 1:12-CV-1837
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O R D E R

AND NOW, this 16th day of October, 2013, it is ORDERED that:

1. The motion (Doc. 39) to strike filed by defendant, Timothy J. Barker, is denied, but the relief sought in the motion is granted and Plaintiff's claims for malicious prosecution and abuse of process in the second amended complaint are hereby dismissed as against defendant Barker.

2. The motion (Doc. 37) to dismiss filed by defendant, David Steffen, is granted, and the malicious prosecution claim in the second amended complaint is hereby dismissed as against defendant Steffen.

3. The abuse-of-process claim in the second amended complaint is hereby dismissed as against defendant Steffen.

4. Within twenty-one (21) days of the date of this order, Plaintiff may file a third amended complaint against both defendants, but only on her malicious prosecution claim, pleading that claim with sufficient factual plausibility in regard to the lack of probable cause.

5. If Plaintiff fails to comply with paragraph 4, this action will be dismissed.

/s/ William W. Caldwell
William W. Caldwell
United States District Judge